

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 14th day of February at 8:00 P.M., and there were

PRESENT: MARK AQUINO., MEMBER
 RICHARD QUINN, MEMBER
 JAMES PERRY, MEMBER
 LAWRENCE PIGNATARO, MEMBER
 ARLIE SCHWAN, MEMBER
 ROBERT THILL, MEMBER
 JEFFREY LEHRBACH, CHAIRMAN

ABSENT: NONE

ALSO PRESENT: JOHANNA M. COLEMAN, TOWN CLERK
 JOHN DUDZIAK, TOWN ATTORNEY
 JEFFREY SIMME, BUILDING INSPECTOR

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

PETITION OF DARYL K. MARTIN

THE CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Daryl K. Martin, Architect, 3625 Eggert Road, Orchard Park, New York 14127 for one [1] variance for the purpose of constructing a four story hotel and restaurant on property owned by Russell J. Salvatore at 6675 Transit Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 19C.(5) of the Code of the Town of Lancaster. The height of the proposed hotel is forty-five [45] feet.

Chapter 50, Zoning, Section 19C.(5) of the Code of the Town of Lancaster limits the building height to thirty-five [35] feet. The petitioner, therefore, requests a ten [10] foot height variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Daryl K. Martin, Architect
3625 Eggert Road
Orchard Park, New York 14127

Proponent

IN THE MATTER OF THE PETITION OF DARYL K. MARTIN

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. LEHRBACH, WHO MOVED ITS
ADOPTION, SECONDED BY MR. QUINN
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Daryl K. Martin and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 14th day of February 2008, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicant is the duly authorized agent of the owner or purchaser.

WHEREAS, the property for which the applicant is petitioning is within a General Business District, (GB) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought. It is noted that the developer has a reputation for projects of the highest quality.

That no detriment to nearby properties will be created by the granting of the area variance relief sought. It is noted that this area consists of mixed uses such as hotels, theaters, restaurants and retail.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That public improvements to the area and highway are currently being made.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That the petitioner has presented a cost projection which justifies the economic need for the fourth story and thus the requested variance.

That the developer has donated a portion of his land to a local college so that they can establish a culinary school in conjunction with the hotel.

That there are two other developments in near proximity to this site that have been granted building height variances, namely the IMAX Theater at 6707 Transit Road (41 foot variance) and the Kunvarji Hotels at 6619 Transit Road (20 foot, 3 inch variance).

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is hereby
GRANTED.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. AQUINO	VOTED YES
MR. PERRY	VOTED YES
MR. PIGNATARO	VOTED YES
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	VOTED YES

The resolution granting the variance was thereupon **ADOPTED.**

February 14, 2008

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 8:30 P.M.

Signed _____
Johanna M. Coleman, Town Clerk and
Clerk, Zoning Board of Appeals
Dated: February 14, 2008

